

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Megan Barros

Plaintiff,

-against-

**DECLARATION OF MEGAN BARROS
18-cv-3394 (VCB)**

National Railroad Passenger Corporation d/b/a
Amtrak.

Defendant.
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MEGAN BARROS, declares under of penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct¹:

1. Marc Thompson withdrew from my case citing a breakdown in the attorney-client relationship. His affidavit in support of his fees distorts our actual attorney-client relationship. Marc Thompson ignored my case for virtually the first year, conducted minimal discovery, and failed to investigate what happened to me in a manner that would help me understand why I was injured in a stampede in Amtrak's Penn station on April 14, 2017. Our attorney-client interaction was slight, until he wanted to settle my case. Then, he treated me with unrelenting condescension. From the moment he decided that my case was a loser, Thompson berated and bullied me to accept a settlement. When that failed, he quit just as he said he would.

Initial Contact

2. On July 10, 2017, I met and retained Marc Thompson. We discussed the April 14, 2017 events that took place in Amtrak's Penn Station which led to the stampede and my injuries. This meeting lasted less than an hour. Thereafter, Thompson filed a notice of claim against Amtrak.
3. December 18, 2017, having had no contact from Thompson since the initial meeting (except one email from his office confirming the notice of claim was filed), I sent an email inquiring about my case and did not receive a response. On January 31, 2018, I sent another email requesting an update. On March 27, 2018, I finally briefly spoke with Marc Thompson about commencing an action against Amtrak.
4. On April 3, 2018, Thompson brought the complaint against Amtrak in the wrong court, and it was subsequently removed to this Court.

Discovery

5. According to Amtrak's October 23, 2018 letter to Judge Broderick (ECF #14), Thompson did not respond to Amtrak's April 23, 2018 Interrogatory requests until October 23, 2018, two days

¹ This declaration was prepared with the assistance of New York Legal Assistance Group, Clinic for Pro Se Litigants.

before depositions were to be completed. An extension of time to take depositions and complete discovery was granted twice. The third request was denied. My deposition was canceled three times and then I had a deposition on two different days because the medical records were not obtained due to Thompson's failure to act.

6. My deposition was taken on March 6, 2019 and April 26, 2019. Marc Thompson spent very little time preparing me for my deposition. He had me come to his office slightly before the deposition, then while drinking coffee, taking phone calls, and opening mail he asked me if I could remember the date of the accident and if I looked at anything related to my injury or the stampede before coming to the deposition. No other preparation was done.
7. Thompson took the deposition of Joseph Nativo, the Amtrak police officer involved in the incident. No other depositions were taken or noticed to be taken by Thompson.
8. Medical records were produced by my doctors.
9. When I was finally able to retrieve my files, I found a scarcity of documents produced by Amtrak.

Marc Thompson's push for settlement.

10. On May 29, 2019, Marc Thompson sent me an email containing a copy of the deposition he took, with no message in the body of the email. When we later spoke, he unexpectedly suggested settling the case for a specific amount and suggested I read the deposition because he thought it would make me settle.
11. On May 30, 2019, I spoke to Thompson and I asked if he looked into the things he asked about in the deposition and also if he had followed up on the overcrowding and station management which we had previously discussed, including during my two depositions. He said he would look into it.
12. On or about June 3, 2019 Thompson stated that my case was a loser case and if I continued pursuing it, I would lose. **He said I needed to take the settlement or find another attorney.** It was a long call and Marc continued to barrate me even after I was in tears asking him to please look into things for me because I wanted to understand what happened that day for my own piece of mind so I could understand why I was trampled.
13. June 5, 2019, Thompson belittled my case, berated me, and **yelled at me to take the settlement offer or find another lawyer.**
14. June 24, 2019, Marc Thompson forwarded me an email with no message in the body, with a letter attachment from Amtrak's lawyers explaining the dates, times, and locations for two Independent Medical Examinations. No explanation was given to me regarding how I should proceed.
15. June 27, 2019, Marc Thompson sent a terse email: **"Do you have a new lawyer yet?"** Attached as Exhibit 1 is a copy of the June 27, 2019 Thompson email to Barros.
16. July 2, 2019, I sent the following email "Marc, I understand this must be frustrating for you but it is also frustrating for me. You have been my lawyer for this case for two years and now want to

drop it and have made it clear you do not want to do anything else for my case. I have found out that the date for deposing and requesting documents was in April right after my second deposition. This is proving to be difficult since another lawyer may not be able to request anything. There is a second document about dates for depositions and documents online but it has no dates on it, do you know if it is an extension and what the new date would be? Did you or are you waiting to depose anyone else, like the station manager? Did you request the video tapes of the station that will show me getting injured? Did you request any of the documents you reference in the officers deposition before the deadline? Is it possible to have an extension on the deadline? In the past I was not well enough to ask for these things but I thought you were looking into them. Do you know when I should receive the first day of my deposition? When I receive it I will be able to check it for errors and send back my complete deposition. I look forward to your answers to my questions.” Attached as Exhibit 2 is a copy of the Barros email, dated July 2, 2019, to Thompson.

17. July 3, 2019, Thompson continued to belittle my case in his email response to my email: “We are not deposing anyone else. They can be questioned at trial. We can also subpoena any videos for trial. The documents I asked for at the deposition will be turned over to us. All of that aside, **I still believe that you will lose your case and if you don’t get a new lawyer or settle I will make a motion to be relieved from the case.** (emphasis added). The accusatory tone of your email disturbs me greatly. My office has done everything correctly on your case and you should be appreciative rather than annoyed. We took a case worth zero and have managed to get Amtrack [sic] to offer some money. I hope to hear from you soon.” Attached as Exhibit 3 is a copy of the Thompson email, dated July 3, 2019 to Barros. After his calls in which he yelled at me in an angry voice to take the settlement, I found this email to be extremely difficult to read and felt as though he was berating me again.
18. July 10, 2019, I wrote the following email to Marc Thompson “Marc, I know you do not want to continue with my case and I am continuing to look for another lawyer. The issue is the April deadline for depositions and requests for discovery. Is there a way to ask for more time for the discovery? I know that my doctors appointment is tomorrow and I will be there at 10:15am. Thank you, Megan” Marc Thompson responded to this email with the following “We do not need more discovery.”
19. July 12, 2019 Marc Thompson wrote the following email, “**What is going on with your search for a new lawyer?**” (emphasis added). Attached as Exhibit 4 is a copy of the Thompson email, dated July 13, 2019, to Barros. This was followed by a call in which I felt bullied again as I tried to explain, potential new lawyers want to know about the discovery deadline and file without dates. Other lawyers disagreed and thought there should have been more discovery, investigation, and depositions.
20. July 17, 2019 I, sent the following email to Marc Thompson, “Marc, Is it not possible to request more time for discovery? Please send me a list of documents or questions that have been requested regarding the overcrowded station and Amtrak protocols for crowd control and notification of delays. Also is there still a meeting tomorrow for discovery? Is this with the judge or only between attorneys? Thank you, Megan”. Marc Thompson responded with the following, “The meeting was adjourned until 9/13. In my opinion there is no more discovery needed. **Please**

find a new attorney immediately. If you want to review your file make an appointment and we will make it available to you. (emphasis added). Attached as Exhibit 5 is a copy of the Thompson email, dated July 17, 2019, to Barros.

21. July 18, 2019 Marc Thompson filed a motion to be relieved as counsel, but did not provide me a copy.
22. July 29, 2019 Jennifer Golden, from Thompson's office, sent an email which read "Attached please find the IME Report conducted by Dr. Andrew Bazos on July 14, 2019 and the IME Report conducted by Dr. Richard Lechtenberg on July 23, 2019." with two attachments. I responded in an email, July 31, 2019 "Marc and Jennifer, I have read both reports and I do not agree with the doctors findings. The findings seem to be the opposite of the doctors who treated me after the stampede. What should be done now?"
23. July 29, 2019, Jennifer Golden sent an email to me with a copy of the Motion to be Relieved as Counsel. This is the first I learned of the motion.
24. September 9, 2019 Marc Thompson sent an email containing the Court's order granting his August 26, 2019 motion to be relieved as counsel.

Proceedings After Thompson Withdrew as Counsel

25. Between September 17 and December 4, 2019, I attempted without success to obtain my files so I could find new counsel. With no other recourse (and with the help of NYLAG's office), I sought the Court's assistance.
26. On Dec 4, 2019, with the help of the NYLAG office, I sent an email to Marc Thompson with an attached court order, instructing Thompson to turn over my files immediately. Later that day, I went to Thompson's office to obtain a copy of my file. I had to wait till 6pm and was then given a CD ROM and some printed files, a few of which were duplicates.
27. Unable to obtain counsel, I notified the Court that I would proceed pro se. Continuing to work with NYLAG, Susanne Toes Keane filed a notice of appearance for the limited purpose of settlement. I obtained additional medical reports from my surgeon and nuerologist. Ms. Keane spent many hours with me discussing the strengths and weaknesses of my case. She conducted the settlement discussions on my behalf, but together we resolved the matter.

Dated: August 28, 2020



MEGAN BARROS
63 Wall St.
New York, N.Y. 10005
(802) 282-2970

EXHIBIT 1

Mail body: Fwd:

----- Forwarded message -----

From: **Marc R. Thompson** <MThompson@pulversthompson.com>

Date: Thursday, June 27, 2019

Subject:

To: "meganbarros@gmail.com" <meganbarros@gmail.com>

Megan, have you found a new lawyer yet?

Marc R. Thompson, Esq.

Pulvers, Pulvers & Thompson LLP

950 Third Ave, New York, NY 10022

212-471-5103

www.pulversthompson.com

EXHIBIT 2

Mail body: Fwd:

----- Forwarded message -----

From **Megan Barros** <megan.barros@gmail.com>

Date: Tuesday, July 2, 2019

Subject:

To: "Marc R. Thompson" <MThompson@pulversthompson.com>

Marc,

I understand this must be frustrating for you but it is also frustrating for me.

You have been my lawyer for this case for two years and now want to drop it and have made it clear you do not want to do anything else for my case.

I have found out that the date for deposing and requesting documents was in April right after my second deposition. This is proving to be difficult since another lawyer may not be able to request anything. There is a second document about dates for depositions and documents online but it has no dates on it, do you know if it is an extension and what the new date would be? Did you or are you waiting to depose anyone else, like the station manager? Did you request the video tapes of the station that will show me getting injured? Did you request any of the documents you reference in the officers deposition before the deadline? Is it possible to have an extension on the deadline? In the past I was not well enough to ask for these things but I thought you were looking into them.

Do You know when I should receive the first day of my deposition? When I receive it I will be able to check it for errors and send back my complete deposition.

I look forward to your answers to my questions.

Megan

EXHIBIT 3

Mail body: Fwd:

----- Forwarded message -----

From: **Marc R. Thompson** <MThompson@pulversthompson.com>

Date: Wednesday, July 3, 2019

Subject:

To: Megan Barros <megan.barros@gmail.com>

We are not deposing anyone

else. They can be questioned at trial. We can also subpoena any videos for trial. The documents I asked for at the deposition will be turned over to us. All of that aside, I still believe that you will lose your case and if you don't get a new lawyer or settle I will make a motion to be relieved from the case. The accusatory tone of your email disturbs me greatly. My office has down everything correctly on your case and you should be appreciative rather than annoyed. We took a case worth zero and have managed to get Amtrack to offer some money. I hope to hear from you soon.

Marc R. Thompson

EXHIBIT 4

Mail body: Fwd:

----- Forwarded message -----

From **Marc R. Thompson** <MThompson@pulversthompson.com>

Date: Friday, July 12, 2019

Subject:

To: Megan Barros <megan.barros@gmail.com>

What is going on with your search for a new lawyer?

Marc R. Thompson, Esq.

Pulvers, Pulvers & Thompson LLP

950 Third Ave, New York, NY 10022

212-471-5103

www.pulversthompson.com

EXHIBIT 5

Mail body: Fwd: Megan Barros

----- Forwarded message -----

From: **Marc R. Thompson** <MThompson@pulversthompson.com>

Date: Wednesday, July 17, 2019

Subject: Megan Barros

To: Megan Barros <megan.barros@gmail.com>

The meeting was adjourned until 9/13. In my opinion there is no more discovery needed. Please find a new attorney immediately . If you want to review your file make an appointment and we will make it available to you.

Marc R. Thompson